

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

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MARVIN KURT NATION, #141669

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Plaintiff

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2:06-CV-693-ID (WO)

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WILLIE AMBERS, *et al.*,

*

Defendants.

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RESPONSE TO THE MAGISTRATE JUDGE
REPORT AND RECOMMENDATION

Comes now, the Plaintiff in the above styled matter and makes the following “Response” to the Magistrate Judge’s Report and Recommendation, and in support hereof, the Plaintiff avers as follows:

1]. The Plaintiff makes no objections to the Magistrate Judge's recommendation that the Kilby Correctional Facility, and the Elmore Correctional Facility be dismissed as defendants in this action pursuant to **28 U.S.C. § 1915(e)(2)(i)** because such suits against these entities are impermissible and otherwise barred by the Eleventh Amendment, and the Plaintiff now understands this factual basis for the Magistrate Judge Recommendations to the noted defendants.

2]. The Plaintiff avers that discovery in this action is necessary for him to ascertain the factual basis for the claims which he has presented this Honorable Court for review, and to ascertain that all the defendants have been properly named in this matter

for service of process to be initiated upon each responsible defendant in their individual and official capacities prior to a response by the Defendants.

3]. The Plaintiff has no further or other objections to the Magistrate Judge's recommendation at this time.

Wherefore, the Plaintiff has made his response to the Magistrate Judge's recommendation in compliance with this Court's Orders.

Done on this the 15th day of September, 2006.

Respectfully Submitted,
Marvin K. Nation
MARVIN KURT NATION
Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on the Defendants by placing a copy of the same in the United State mail properly stamped and addressed on this the 15th day of September, 2006.

STATE OF ALABAMA
DEPARTMENT OF CORRECTIONS
LEGAL DIVISION
C/O HON. TROY KING, ATTY. GEN.
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130-0152

PRISON HEALTH SERVICE, INC.
105 WEST PART DRIVE, STE. 200
BRENTWOOD, TENNESSEE 27027

Marvin K. Nation
MARVIN KURT NATION
Plaintiff

CC: filed.